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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,751	01/23/2002	Gustav P. Kuelbs	0638MH-40822CIP	9125

7590 01/16/2004

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

***Non-responsive amendment***

The amendment filed on 11/26/2003 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive. (MPEP 821.03). The remaining claims are not readable on the elected invention because of the reasons noted below.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Restriction by Original Presentation***

Newly submitted claims 2-90 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The applicant by way of the originally presented claim has elected a subcombination. The applicant has added additional features to the new claims that change the scope of the original invention in a combination of the original subcombination. An example of this is provided in the features which change the scope of the invention to a method to "...manage the space within each particular shipping container or pallet in a manner which optimizes trade efficiencies" as stated on page 45 of applicant's response. The applicant should assure any new claims provided are within the scope of the original claim.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-90 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including

Art Unit: 3625

After Final communications labeled

"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner